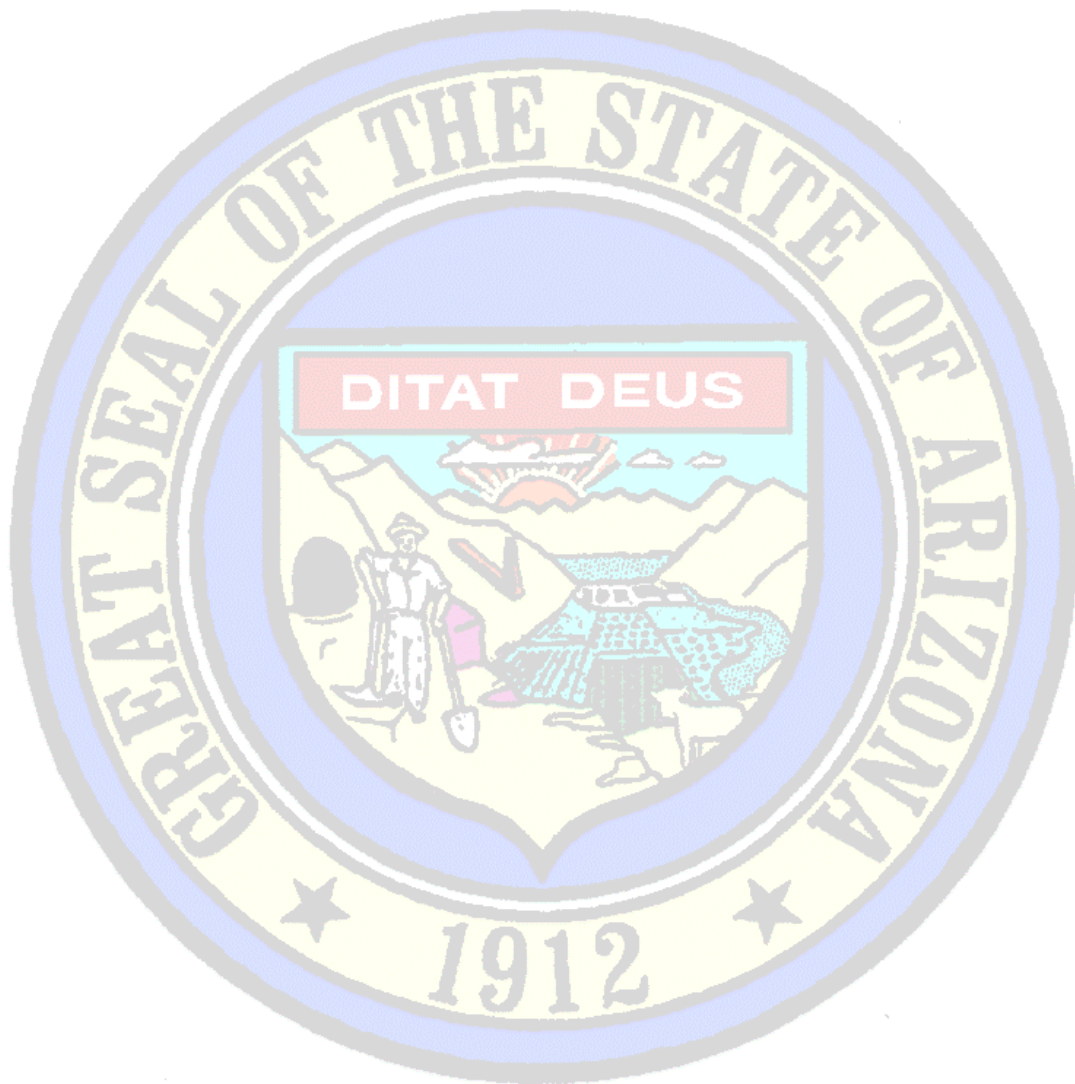


Arizona Department of Education

Arizona State Board of Education

State of Arizona Reporting Procedures



April 2003

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Preface

Protecting the health and welfare of students is the most important and fundamental responsibility of every professional educator. Consequently, it is imperative that all school personnel be educated and hold fast to Arizona's laws regarding the safety of children in Arizona's classrooms. These laws include important guidelines on reporting allegations of child abuse and professional misconduct. Failure to comply with these laws can, above all, result in the needless victimization of children, and may also lead to criminal and administrative proceedings against those who fail to make the required reports.

The document to follow is designed to guide Arizona's professional educators through the process of reporting allegations of child abuse and professional misconduct to the appropriate authorities. Also contained in this document is vital information regarding state resources available to both traditional public schools and charter schools. This information is presented to ensure that Arizona's students are provided the safest possible learning environment.



This document is a summary of applicable state laws and is not intended to provide complete information or legal advice on specific problems. Changes in laws and cases may modify the information provided, and school personnel should refer to the current specific laws to determine their duties to report.

Section One: Reporting Statutes

School personnel are required to report allegations of child abuse under two Arizona laws: A.R.S. § 13-3620 and A.R.S. § 15-514. Copies of both these laws are included in the Appendix.

A.R.S. § 13-3620 – Reporting to law enforcement or child protective services:

- **Who must report pursuant to A.R.S. § 13-3620?**

A.R.S. § 13-3620 mandates that certain professionals report suspected child abuse to the proper authorities. Among these professionals are nurses, psychologists, social workers, counselors, school personnel or any other person having responsibility for the care or treatment of children. *This includes, at least, all teachers and administrators.*

- **What must be reported and to whom should these reports be made?**

A.R.S. § 13-3620 generally states that an individual whose observation or examination of any minor discloses reasonable grounds to believe that the minor is or has been the victim of injury, sexual abuse, sexual conduct with a minor, sexual assault, molestation, sexual exploitation of a minor, incest, child prostitution, death, abuse or physical neglect which appears to have been inflicted on that minor by other than accidental means shall immediately report this information, or cause reports to be made, to a peace officer or child protective services in the department of economic security.

Reports required by this statute should be made to either the local law enforcement agency or child protective services (1-888-SOS-CHILD). Generally, if the suspected abuse is committed by a family member the report should be made to child protective services. All other reports should be made to law enforcement.

- **How and when should a report be made?**

A.R.S. § 13-3620 requires two reports. First, the suspected abuse should immediately be reported to the appropriate authorities either in person or by telephone. Second, the statute requires that this be followed by a written report within seventy-two hours. This report shall contain:

1. The names and addresses of the minor and the minor's parents or the person or persons having custody of the minor, if known.
2. The minor's age and the nature and extent of the minor's injuries or physical neglect, including any evidence of previous injuries or physical neglect.
3. Any other information that the person believes might be helpful in establishing the cause of the injury or physical neglect.

- What is the standard for determining when a report is required?

The standard for making reports pursuant to A.R.S. § 13-3620 is “reasonable grounds to believe that a minor is or has been the victim of...” This means “if there are *any* facts from which one could reasonably conclude that a child has been abused, the person knowing those facts is required to report those facts to the appropriate authorities. ‘Reasonable grounds’ is a low standard”¹ (emphasis added).

School personnel are not required to fully investigate the suspected abuse. Rather, their responsibility is only to report the information to the proper authorities. Failure to comply with A.R.S. § 13-3620 is a class one misdemeanor.

A.R.S. § 15-514 (A)– Reporting to the Arizona State Board of Education:

- Who must report pursuant to A.R.S. § 15-514(A)?

All certified individuals (including teachers and administrators) and all governing board members in the state of Arizona are required to report pursuant to A.R.S. § 15-514(A).

- What must be reported pursuant to A.R.S. § 15-514(A)?

A.R.S. § 15-514(A) states that a report must be made when an individual reasonably suspects or receives a reasonable allegation that a person certificated by the State Board of Education has engaged in conduct involving minors that would be subject to the reporting requirements of A.R.S. § 13-3620. That conduct includes, but is not limited to, the following: sexual abuse, sexual conduct with a minor, sexual assault, molestation, sexual exploitation of a minor, incest, child prostitution, abuse or physical neglect which appears to have been inflicted on that minor by other than accidental means or any act that may have resulted in the death of a child.

- How and when should such a report be made?

A.R.S. § 15-514(A) requires that a report be made in writing as soon as is reasonably practicable, but no later than *three business days* after the person first suspects or receives an allegation of misconduct. Written reports may be sent to:

Arizona State Board of Education
Investigative Unit
1535 W. Jefferson
Phoenix, AZ 85007
(602)542-2972

¹ L.A.R. v. Ludwig, 170 Ariz. 24, 27, 821 P.2d 291, 294 (Ct. App. 1991)

The Investigative Unit also accepts reports via e-mail. Access to the appropriate e-mail address can be obtained through the unit's web site, which is discussed in detail in Section Three.

- What is the standard for determining when a report is required?

The standard for making a report pursuant to A.R.S. § 15-514(A) is a reasonable suspicion or receipt of a reasonable allegation. Some allegations that were not reportable under A.R.S. § 13-3620 may be reportable under A.R.S. § 15-514.

A.R.S. § 15-514 (B)– Reporting to the Arizona State Board of Education:

- Who must report pursuant to A.R.S. § 15-514(B)?

All school district superintendents and chief administrators of charter schools are required to report pursuant to A.R.S. § 15-514(B).

- What must be reported pursuant to A.R.S. § 15-514(B)?

A.R.S. § 15-514(B) states that a report must be made when a school district superintendent or chief administrator of a charter school reasonably suspects or receives a reasonable allegation that a person certificated by the State Board of Education has committed an immoral or unprofessional act that would constitute grounds for dismissal or criminal charges.

The Arizona Attorney General is reviewing a proposed rule defining immoral and unprofessional conduct. A copy of the proposed rule is included in the Appendix.

- How and when should such a report be made?

Reports made pursuant to A.R.S. § 15-514(B) can be made by telephone by calling the Investigative Unit at (602) 542-2972. Written reports should be sent to:

Arizona State Board of Education
Investigative Unit
1535 W. Jefferson
Phoenix, AZ 85007

The Investigative Unit also accepts reports via e-mail. Access to the appropriate e-mail address can be obtained through the unit's web site, which is discussed in detail in Section Three.

A.R.S. § 15-514(B) does not prescribe a specific timeframe for reports to be made, however, the Investigative Unit encourages reports to be submitted as soon as reasonably practicable.

- What is the standard for determining when a report is required?

The standard for making a report pursuant to A.R.S. § 15-514(B) is a reasonable suspicion or receipt of a reasonable allegation. This is a parallel standard with A.R.S. § 15-514(A).

A.R.S. § 15-514 (F)– Reporting to the Arizona State Board of Education:

- Who must report pursuant to A.R.S. § 15-514(F)?

All governing board members or school district employees that have control over personnel decisions are required to report pursuant to A.R.S. § 15-514(F).

- What must be reported pursuant to A.R.S. § 15-514(F)?

A.R.S. § 15-514(F) states that a governing board member or school district employee charged with personnel decisions may not accept the resignation of a certificated employee that is suspected of committing *any* reportable violation involving minors until the suspicion or allegation is first reported to the Investigative Unit of the State Board of Education.

- How and when should such a report be made?

Reports made pursuant to A.R.S. § 15-514(F) can be made via telephone by calling the Investigative Unit at (602) 542-2972. Written reports should be sent to:

Arizona State Board of Education
Investigative Unit
1535 W. Jefferson
Phoenix, AZ 85007

The Investigative Unit also accepts reports via e-mail. Access to the appropriate e-mail address can be obtained through the unit's web site, which is discussed in detail in Section Three.

Reports made pursuant to A.R.S. § 15-514(F) must be made before the individual's resignation is accepted.

- What is the standard for determining when a report is required?

The standard for making a report pursuant to A.R.S. § 15-514(F) is a reasonable suspicion or receipt of a reasonable allegation. This is a parallel standard with A.R.S. § 15-514(A).



Failure to comply with any part of A.R.S. § 15-514 constitutes grounds for disciplinary action by the Board of Education. Disciplinary action may include censure, suspension, suspension with conditions or revocation of an individual's teaching credentials.

Section Two:

Important Notes on Reporting

There are some very important points to keep in mind when determining when a report should be made:

1. Both A.R.S. § 13-3620 and A.R.S. § 15-514 are reporting statutes only. School personnel are not required to investigate allegations of misconduct prior to making a report.
2. Both statutes assign direct reporting responsibilities to those aware of the suspected abuse. This means that reporting suspected abuse to one's direct supervisor alone may not satisfy the reporting requirements. The statutes require that you report or cause reports to be made to the proper authorities. Therefore, follow up may be necessary to ensure that the necessary report was made.
3. Determining what should be reported will almost always require the educator to exercise some level of judgment about the allegations. If it is unclear what should be done the best policy is to report the allegations to the proper authorities.
4. Both statutes grant those making reports immunity from civil damages provided that the report was made in good faith. A.R.S. § 13-3620 also grants those making reports immunity from criminal liability.
5. A.R.S. § 15-514 prohibits unlawful reprisal against an employee who made, in good faith, a report required under this statute.

Section Three:

Investigative Web Site / Certification Search

Since its 1999 inception, the investigative web site has proven to be a remarkable resource for Arizona's traditional public and charter schools. It is highly recommended that all administrators and personnel directors become familiar with this resource.

The web site allows appropriate school personnel access to the certification history of current and prospective employees. As illustrated below (see object 1), school personnel can view certificate and Fingerprint Clearance Card status, identify ongoing investigations of immoral/unprofessional conduct, as well as any past disciplinary action(s) taken by the State Board of Education.

While the value of this information for traditional public schools (which must employ certificated teachers) is obvious, charter schools will find this information equally useful. All charter school teachers are also required to possess a valid Fingerprint Clearance Card. Additionally, employment of a teacher whose certificate has been revoked for misconduct involving minors is prohibited in charter schools.

John Doe:
Certificate ID: 123-45-6789

Certificate Type	Issue Date	Expiration Date
Approved Subject Areas		
Endorsements		

DPS Fingerprint Information
No fingerprint data available for this person

ADOE Comments

08/29/2000 -REVOKED BY BOARD ON 8/28/00 PURSUANT TO ARS 15-550. HE HELD A SUB CERT THAT WAS VALID FROM 7/30/93 TO 7/1/99.

John Doe:
Make a report of unprofessional or immoral conduct on
☐ Request more info
☐ Prior Disciplinary Action Taken

Object 1: Secured Investigative web site that displays all Arizona certification services, prior disciplinary action, and allows the user to make a report to the Investigative Unit.

Also included in the web site is the opportunity for the user to make a report of immoral/unprofessional conduct to the State Board of Education's Investigative Unit. Reports made via the web site are e-mailed directly to the Investigative Unit. When making a report through the investigative web site, a form will be provided asking the reporter for pertinent information (see object 2). This feature represents the easiest and most efficient way to report an incident of unprofessional and/or immoral conduct.

To: State Board of Education, Investigative Unit	
Make a report of unprofessional or immoral conduct on	
You may reach me at:	
Name: <input type="text"/>	Phone Number: <input type="text"/>
E-mail: <input type="text"/>	Fax Number: <input type="text"/>
* Name, E-mail and Phone are required	
When did the alleged violation occur?	<input type="text"/>
Where did the alleged violation occur?	<input type="text"/>
What is the nature of the alleged violation?	<input type="text"/>
Comments:	
<input type="text"/>	

Object 2: Confidential report form that will be electronically sent to the State Board of Education. No action will be implemented until all allegations are thoroughly investigated.

To maintain site security access to the investigative web site is limited to authorized district and charter school personnel. All those seeking access may contact the Investigative Unit at (602) 542-2972.

Appendix

A.R.S. § 13-3620

13-3620. Duty and authorization to report non-accidental injuries, physical neglect and denial or deprivation of necessary medical or surgical care or nourishment of minors; duty to make medical records available; exception; violation; classification

A. Any physician, hospital intern or resident, surgeon, dentist, osteopath, chiropractor, podiatrist, county medical examiner, nurse, psychologist, school personnel, social worker, peace officer, parent, counselor, clergyman or priest or any other person having responsibility for the care or treatment of children whose observation or examination of any minor discloses reasonable grounds to believe that a minor is or has been the victim of injury, sexual abuse pursuant to section 13-1404, sexual conduct with a minor pursuant to section 13-1405, sexual assault pursuant to section 13-1406, molestation of a child pursuant to section 13-1410, commercial sexual exploitation of a minor pursuant to section 13-3552, sexual exploitation of a minor pursuant to section 13-3553, incest pursuant to section 13-3608 or child prostitution pursuant to section 13-3212, death, abuse pursuant to section 8-201, or physical neglect which appears to have been inflicted on that minor by other than accidental means or which is not explained by the available medical history as being accidental in nature or who has reasonable grounds to believe there has been a denial or deprivation of necessary medical treatment or surgical care or nourishment with the intent to cause or allow the death of an infant less than one year of age protected under section 36-2281 shall immediately report or cause reports to be made of this information to a peace officer or to child protective services in the department of economic security. A clergyman or priest who has received a confidential communication or a confession in that person's role as a clergyman or a priest in the course of the discipline enjoined by the church to which the clergyman or priest belongs may withhold reporting of the communication or confession if the clergyman or priest determines that it is reasonable and necessary within the concepts of the religion. This exemption applies only to the communication or confession and not to personal observations the clergyman or priest may otherwise make of the minor. A report is not required under this section for conduct prescribed by sections 13-1404 and 13-1405 if the conduct involves only minors age fourteen, fifteen, sixteen or seventeen and there is nothing to indicate that the conduct is other than consensual. Reports shall be made forthwith by telephone or in person forthwith and shall be followed by a written report within seventy-two hours. The reports shall contain:

1. The names and addresses of the minor and the minor's parents or the person or persons having custody of the minor, if known.
2. The minor's age and the nature and extent of the minor's injuries or physical neglect, including any evidence of previous injuries or physical neglect.
3. Any other information that the person believes might be helpful in establishing the cause of the injury or physical neglect.

B. A health care professional who is regulated pursuant to title 32 and whose routine newborn physical assessment of a newborn infant's health status or whose notification of positive toxicology screens of a newborn infant gives the professional reasonable grounds to believe that the newborn infant may be affected by the presence of alcohol or a substance prohibited by chapter 34 of this title shall immediately report this information, or cause a report to be made, to child protective services in the department of economic security. For the purposes of this subsection "newborn infant" means a newborn infant who is under thirty days of age.

C. Any person other than one required to report or cause reports to be made in subsection A of this section who has reasonable grounds to believe that a minor is or has been a victim of abuse or neglect may report the information to a peace officer or to child protective services in the department of economic security.

D. A person having custody or control of medical records of a minor for whom a report is required or authorized under this section shall make the records, or a copy of the records, available to a peace officer or child protective services worker investigating the minor's neglect or abuse on written request for the records signed by the peace officer or child protective services worker. Records disclosed pursuant to this subsection are confidential and may be used only in a judicial or administrative proceeding or investigation resulting from a report required or authorized under this section.

E. When such telephone or in-person reports are received by the peace officer, they shall immediately notify child protective services in the department of economic security and make the information available to them. Notwithstanding any other statute, when child protective services receives these reports by telephone or in person, it shall immediately notify a peace officer in the appropriate jurisdiction.

F. Any person required to receive reports pursuant to subsection A of this section may take or cause to be taken photographs of the child and the vicinity involved. Medical examinations including, but not limited to, radiological examinations of the involved child may be performed.

G. A person furnishing a report, information or records required or authorized under this section, or a person participating in a judicial or administrative proceeding or investigation resulting from a report, information or records required or authorized under this section, shall be immune from any civil or criminal liability by reason of such action unless the person acted with malice or unless the person has been charged with or is suspected of abusing or neglecting the child or children in question. Except as provided in subsection H of this section, the physician-patient privilege, the husband-wife privilege or any privilege except the attorney-client privilege, provided for by professions such as the practice of social work or nursing covered by law or a code of ethics regarding practitioner-client confidences, both as they relate to the competency of the witness and to the exclusion of confidential communications, shall not pertain in any civil or criminal litigation or administrative proceeding in which a child's neglect, dependency, abuse or abandonment is an issue nor in any judicial or administrative proceeding resulting from a report, information or records submitted pursuant to this section nor in any investigation of a child's neglect or abuse conducted by a peace officer or child protective services in the department of economic security.

H. In any civil or criminal litigation in which a child's neglect, dependency, abuse or abandonment is an issue, a clergyman or priest shall not, without his consent, be examined as a witness concerning any confession made to him in his role as a clergyman or a priest in the course of the discipline enjoined by the church to which he belongs. Nothing in this subsection discharges a clergyman or priest from the duty to report pursuant to subsection A of this section.

I. If psychiatric records are requested pursuant to subsection D of this section, the custodian of the records shall notify the attending psychiatrist, who may excise from the records, before they are made available:

1. Personal information about individuals other than the patient.

2. Information regarding specific diagnosis or treatment of a psychiatric condition, if the attending psychiatrist certifies in writing that release of the information would be detrimental to the patient's health or treatment.

J. If any portion of a psychiatric record is excised pursuant to subsection I of this section, a court, upon application of a peace officer or child protective services worker, may order that the entire record or any portion of the record containing information relevant to the reported abuse or neglect be made available to the peace officer or child protective services worker investigating the abuse or neglect.

K. A person who violates this section is guilty of a class 1 misdemeanor.

A.R.S. § 15-514

15-514. Reports of immoral or unprofessional conduct; immunity

A. Any certificated person or governing board member who reasonably suspects or receives a reasonable allegation that a person certificated by the state board of education has engaged in conduct involving minors that would be subject to the reporting requirements of section 13-3620 shall report or cause reports to be made to the department of education in writing as soon as is reasonably practicable but not later than three business days after the person first suspects or receives an allegation of the conduct.

B. The superintendent of a school district or the chief administrator of a charter school who reasonably suspects or receives a reasonable allegation that an act of immoral or unprofessional conduct that would constitute grounds for dismissal or criminal charges by a certificated person has occurred shall report the conduct to the department of education.

C. A person who reports or provides information pursuant to this section regarding the immoral or unprofessional conduct of a certificated person in good faith is not subject to an action for civil damages as a result.

D. A governing board or school or school district employee who has control over personnel decisions shall not take unlawful reprisal against an employee because the employee reports in good faith information as required by this section. For the purposes of this subsection "unlawful reprisal" means an action that is taken by a governing board as a direct result of a lawful report pursuant to this section and, with respect to the employee, results in one or more of the following:

1. Disciplinary action.
2. Transfer or reassignment.
3. Suspension, demotion or dismissal.
4. An unfavorable performance evaluation.
5. Other significant changes in duties or responsibilities that are inconsistent with the employee's salary or employment classification.

E. Failure to report information as required by this section by a certificated person constitutes grounds for disciplinary action by the state board of education.

F. A governing board or school district employee who has control over personnel decisions and who reasonably suspects or receives a reasonable allegation that a person certificated by the state board of education has engaged in conduct involving minors that would be subject to the reporting requirements of section 13-3620 and this article shall not accept the resignation of the

certificate holder until these suspicions or allegations have been reported to the state board of education.

Proposed Rules Defining Unprofessional and Immoral Conduct

TITLE 7. EDUCATION CHAPTER 2. STATE BOARD OF EDUCATION ARTICLE 13. CONDUCT

R7-2-1308. Unprofessional and immoral conduct

- A. Individuals holding certificates issued by the Board pursuant to A.A.C. R7-2-601 et seq., and individuals applying for certificates issued by the Board pursuant to A.A.C. R7-2-601 et seq. shall:
1. make reasonable efforts to protect pupils from conditions harmful to learning, health or safety;
 2. account for all funds collected from pupils, parents or school personnel;
 3. adhere to provisions of the Uniform System of Financial Records related to use of school property, resources or equipment; and
 4. abide by copyright restrictions, security or administration procedures for a test or assessment.
- B. Individuals holding certificates issued by the Board pursuant to A.A.C. R7-2-601 et seq., and individuals applying for certificates issued by the Board pursuant to A.A.C. R7-2-601 et seq. shall not:
1. discriminate against or harass any pupil or school employee on the basis of race, national origin, religion, sex, including sexual orientation, disability, color or age,
 2. deliberately suppress or distort information or facts relevant to a pupil's academic progress;

3. misrepresent or falsify pupil, classroom, school or district-level data from the administration of a test or assessment;
4. engage in a pattern of conduct for the sole purpose or with the sole intent of embarrassing or disparaging a pupil;
5. use professional position or relationships with pupils, parents or colleagues for improper personal gain or advantage;
6. falsify or misrepresent documents, records or facts related to professional qualifications or educational history or character;
7. assist in the professional certification or employment of a person the certificate holder knows to be unqualified to hold a position;
8. accept gratuities or gifts that influence judgment in the exercise of professional duties;
9. possess, consume, or be under the influence of alcohol on school premises or at school-sponsored activities;
10. illegally possess, use, or be under the influence of marijuana, dangerous drugs, or narcotic drugs, as each is defined in A.R.S. §13-3401;
11. make any sexual advance towards a pupil or child, either verbal, written or physical;
12. engage in sexual activity, a romantic relationship or dating of a pupil or child;
13. submit fraudulent requests for reimbursement of expenses or for pay;
14. use school equipment to access pornographic, obscene or illegal materials;
or
15. engage in conduct which would discredit the teaching profession.

- C. Individuals found to have engaged in unprofessional or immoral conduct shall be subject to, and may be disciplined by, the Board.
- D. Procedures for making allegations, complaints and investigation of unprofessional or immoral conduct shall be as set forth in this Article.